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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,545	01/31/2001	Leslie M. Brooks	2479.1078-000	3228

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/774,545	<b>Applicant(s)</b> BROOKS ET AL.	
	<b>Examiner</b> Hassan Phillips	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments filed and received on, August 9, 2004.

### ***Drawings***

1. The Examiner has considered the amendments made to the specification to include reference signs not mentioned in the description. After review, the Examiner has withdrawn all objections made to the drawings.

### ***Specification***

1. The Examiner has considered the amendments made to the specification to include correct reference numerals. After review, the Examiner has withdrawn all objections made to the disclosure.

### ***Claim Rejections - 35 USC § 112***

1. The Examiner has considered the amendments made to claim 1. After review, the Examiner has withdrawn the rejection under 35 U.S.C. 112. The Examiner also thanks the Applicant for noticing and correcting similar errors in independent claims 13, 25, and 28.

***Response to Arguments***

1. Applicant's arguments filed August 9, 2004, have been fully considered but they are not persuasive.

Applicant argued that:

- a) Gillon fails to teach, "selecting a state of data link compression for the protocol data unit to optimize compression efficiency.

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Regarding item a), Gillon teaches a compression unit that examines a data packet 400, and using the header 402 of the data packet, determining whether data 404 can be compressed. **After determining that the data can be compressed**, immediately compressing the data. See col. 5, lines 48-56. This decision making process of the compression unit has been interpreted by the examiner as the process for selecting a state of data link compression, since, as indicated by Gillon, data is only selected to enter a state of compression if it is determined that the data can be compressed.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...a protocol filter sets a state variable to enable, which enables a compressor to compress the data in the PDU...the protocol filter sets the state variable to disable, which disables the compressor from attempting to compress the PDU.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers claims 1-28. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

2. Applicant's arguments with respect to claim 29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillon in view of Christensen.

3. In considering claim 29, Gillon discloses a method for optimizing compression efficiency comprising:

- a) Filtering protocol-specific header and control information of a protocol data unit (PDU) to determine compressibility of the contents of the PDU, (col. 5, lines 48-50);
- b) Based on the result of filtering, selecting a state of data link compression for the PDU to optimize compression efficiency, (col. 5, lines 52-56).

Although the teachings of Gillon show substantial features of the claimed invention, they fail to show:

- a) Selectively controlling a state of a compression algorithm.

Nevertheless, Christensen teaches:

- a) Without changes to a subordinate protocol layer, or changes to higher protocol layers that the subordinate protocol layer carries, selectively controlling the state of a compression algorithm for compressing data transported by PDU'S across a connection in a data communication network to optimize the compression efficiency, (col. 2, lines 1-18).

Thus, given the teachings of Christensen, it would have been obvious to one of ordinary skill in the art to modify the teachings of Gillon to show, without changes to a

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subordinate protocol layer or changes to the higher protocol layers it carries, selectively controlling the state of a compression algorithm based on a protocol-specific header and control information of a protocol data unit to determine compressibility for compressing data transported by protocol data units across a connection in the data communication network to optimize the compression efficiency. This would have advantageously provided an efficient means for using a compression algorithm only when needed, Christensen, col. 2, lines 12-18.

4. In considering claim 30, the method of Christensen discloses selectively controlling the state of the compression algorithm by enabling or disabling the compression algorithm. See col. 2, lines 1-12. One of ordinary skill in the art would modify Gillon with Christensen for the same reasons indicated in consideration of claim 29.

5. In considering claim 31, Gillon teaches controlling the state of compression by analyzing protocol-specific header and control information of the PDU'S of the higher protocol layers. See col. 5, lines 39-50.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
11/01/04

  
ZARNI MAUNG  
PRIMARY EXAMINER